
HOUSE BILL 3310

State of Washington

60th Legislature

2008 Regular Session

By Representative Darneille

1 AN ACT Relating to music therapists; reenacting and amending RCW
2 18.130.040; adding a new chapter to Title 18 RCW; and providing an
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Department" means the department of health.

8 (2) "Music therapist" means any person licensed to practice music
9 therapy under this chapter.

10 (3) "Practice of music therapy" means:

11 (a) The assessment of a client's emotional and physical health,
12 social functioning, communication abilities, and cognitive skills
13 through the client's history and the observation and interaction of the
14 client in music and nonmusic settings;

15 (b) The development and implementation of treatment plans, based on
16 a client's assessed needs, using music interventions including music
17 improvisation, receptive music listening, song writing, lyric
18 discussion, music and imagery, music performance, learning through
19 music, and movement to music; and

1 (c) The evaluation and documentation of the client's response to
2 treatment.

3 (4) "Secretary" means the secretary of health or the secretary's
4 designee.

5 NEW SECTION. **Sec. 2.** In addition to any other authority, the
6 secretary has the authority to:

7 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
8 chapter;

9 (2) Establish all licensure, examination, and renewal fees in
10 accordance with RCW 43.70.110 and 43.70.250;

11 (3) Establish forms and procedures necessary to administer this
12 chapter;

13 (4) Issue licenses to applicants who have met the education,
14 experience, and examination requirements for obtaining a license and to
15 deny a license to applicants who do not meet the requirements;

16 (5) Hire clerical, administrative, investigative, and other staff
17 as needed to implement this chapter and hire individuals, including
18 those licensed under this chapter, to serve as consultants as necessary
19 to implement and administer this chapter;

20 (6) Determine minimum education requirements, including the
21 completion of a bachelor's degree or higher in music therapy, and
22 evaluate and designate those educational programs from which graduation
23 will be accepted as proof of eligibility to take a qualifying
24 examination for applicants for obtaining a license;

25 (7) Establish practice parameters consistent with the practice of
26 music therapy as defined in section 1 of this act;

27 (8) Prepare, grade, and administer, or determine the nature of, and
28 supervise the grading and administration of examinations for obtaining
29 a license;

30 (9) Determine which states have credentialing requirements
31 equivalent to those of this state, and issue licenses to applicants
32 credentialed in those states without examination;

33 (10) Define and approve any experience requirement for licensure,
34 including a minimum requirement of one thousand two hundred hours of
35 clinical training, including a supervised internship;

36 (11) Adopt rules implementing a continuing competency program;

1 (12) Maintain the official department record of all applicants and
2 license holders; and

3 (13) Establish by rule the procedures for an appeal of an
4 examination failure.

5 NEW SECTION. **Sec. 3.** The secretary shall issue a license to any
6 applicant who demonstrates to the secretary that the applicant meets
7 the following requirements:

8 (1) Successful completion of a course of study in the practice of
9 music therapy approved by the secretary, including the completion of a
10 bachelor's degree or higher in music therapy;

11 (2) Successful completion of a music therapy experience requirement
12 approved by the secretary. The experience requirement must include a
13 minimum of one thousand two hundred hours of clinical training,
14 including a supervised internship;

15 (3) Successful completion of an examination in the practice of
16 music therapy administered or approved by the secretary.

17 NEW SECTION. **Sec. 4.** After September 1, 2009:

18 (1) No person may practice music therapy in this state without
19 having a license issued pursuant to this chapter; and

20 (2) A person not licensed by the secretary to practice music
21 therapy may not represent himself or herself as a "licensed music
22 therapist," "music therapist," or other letters, words, signs, numbers,
23 or insignia indicating or implying that he or she is a music therapist.

24 NEW SECTION. **Sec. 5.** Nothing in this chapter may be construed to
25 prohibit or restrict:

26 (1) The practice of music therapy by an individual who holds a
27 license issued by the state, other than as a music therapist, to engage
28 in the practice of a profession or occupation when performing services
29 within the authorized scope of practice of that profession or
30 occupation; or

31 (2) The practice of music therapy by an individual employed by the
32 government of the United States while engaged in the performance of
33 duties prescribed by the laws of the United States.

1 NEW SECTION. **Sec. 6.** An applicant holding a credential to
2 practice music therapy in another state may be licensed to practice
3 music therapy in this state without examination if the secretary
4 determines that the credentialing standards of the other state are
5 substantially equivalent to the licensing standards of this state.

6 NEW SECTION. **Sec. 7.** The secretary shall establish by rule the
7 requirements and fees for renewal of a license. Failure to renew the
8 license invalidates the license and all privileges granted by the
9 license. If a license has lapsed for a period longer than three years,
10 the person shall demonstrate competence to the satisfaction of the
11 secretary by completing continuing competency requirements or meeting
12 other standards determined by the secretary.

13 NEW SECTION. **Sec. 8.** (1) The date and location of examinations
14 must be established by the secretary. Applicants who have been found
15 by the secretary to meet the other requirements for obtaining a license
16 must be scheduled for the next examination following the filing of the
17 application. The secretary shall establish by rule the examination
18 application deadline.

19 (2) The secretary or the secretary's designees shall examine each
20 applicant, by means determined most effective, on subjects appropriate
21 to the scope of practice, as applicable. The examinations must be
22 limited to the purpose of determining whether the applicant possesses
23 the minimum skill and knowledge necessary to practice competently.

24 (3) The examinations, all grading of examinations, and the grading
25 of any practical work must be preserved for a period of not less than
26 one year after the secretary has made and published the decisions. All
27 examinations must be conducted under fair and wholly impartial methods.

28 (4) The secretary may approve an examination prepared or
29 administered by a private testing agency or association of
30 credentialing agencies for use by an applicant in meeting the
31 credentialing requirements.

32 NEW SECTION. **Sec. 9.** Applications for a license must be submitted
33 on forms provided by the secretary. The secretary may require any
34 information and documentation that reasonably relates to the need to
35 determine whether the applicant meets the criteria for a license

1 provided for in this chapter and chapter 18.130 RCW. Each applicant
2 shall pay a fee determined by the secretary under RCW 43.70.250. The
3 fee must accompany the application.

4 NEW SECTION. **Sec. 10.** The uniform disciplinary act, chapter
5 18.130 RCW, governs unlicensed practice, the issuance and denial of a
6 license, and the discipline of persons licensed under this chapter.
7 The secretary shall be the disciplining authority under this chapter.

8 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act
9 constitute a new chapter in Title 18 RCW.

10 **Sec. 12.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and
11 2007 c 70 s 11 are each reenacted and amended to read as follows:

12 (1) This chapter applies only to the secretary and the boards and
13 commissions having jurisdiction in relation to the professions licensed
14 under the chapters specified in this section. This chapter does not
15 apply to any business or profession not licensed under the chapters
16 specified in this section.

17 (2)(a) The secretary has authority under this chapter in relation
18 to the following professions:

19 (i) Dispensing opticians licensed and designated apprentices under
20 chapter 18.34 RCW;

21 (ii) Naturopaths licensed under chapter 18.36A RCW;

22 (iii) Midwives licensed under chapter 18.50 RCW;

23 (iv) Ocularists licensed under chapter 18.55 RCW;

24 (v) Massage operators and businesses licensed under chapter 18.108
25 RCW;

26 (vi) Dental hygienists licensed under chapter 18.29 RCW;

27 (vii) Acupuncturists licensed under chapter 18.06 RCW;

28 (viii) Radiologic technologists certified and X-ray technicians
29 registered under chapter 18.84 RCW;

30 (ix) Respiratory care practitioners licensed under chapter 18.89
31 RCW;

32 (x) Persons registered under chapter 18.19 RCW;

33 (xi) Persons licensed as mental health counselors, marriage and
34 family therapists, and social workers under chapter 18.225 RCW;

1 (xii) Persons registered as nursing pool operators under chapter
2 18.52C RCW;

3 (xiii) Nursing assistants registered or certified under chapter
4 18.88A RCW;

5 (xiv) Health care assistants certified under chapter 18.135 RCW;

6 (xv) Dietitians and nutritionists certified under chapter 18.138
7 RCW;

8 (xvi) Chemical dependency professionals certified under chapter
9 18.205 RCW;

10 (xvii) Sex offender treatment providers and certified affiliate sex
11 offender treatment providers certified under chapter 18.155 RCW;

12 (xviii) Persons licensed and certified under chapter 18.73 RCW or
13 RCW 18.71.205;

14 (xix) Denturists licensed under chapter 18.30 RCW;

15 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

16 (xxi) Surgical technologists registered under chapter 18.215 RCW;

17 (xxii) Recreational therapists;

18 (xxiii) Animal massage practitioners certified under chapter 18.240
19 RCW; (~~and~~))

20 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
21 (xxv) Music therapists licensed under chapter 18.-- RCW (the new
22 chapter created in section 11 of this act).

23 (b) The boards and commissions having authority under this chapter
24 are as follows:

25 (i) The podiatric medical board as established in chapter 18.22
26 RCW;

27 (ii) The chiropractic quality assurance commission as established
28 in chapter 18.25 RCW;

29 (iii) The dental quality assurance commission as established in
30 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
31 licenses and registrations issued under chapter 18.260 RCW;

32 (iv) The board of hearing and speech as established in chapter
33 18.35 RCW;

34 (v) The board of examiners for nursing home administrators as
35 established in chapter 18.52 RCW;

36 (vi) The optometry board as established in chapter 18.54 RCW
37 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

4 (viii) The board of pharmacy as established in chapter 18.64 RCW
5 governing licenses issued under chapters 18.64 and 18.64A RCW;

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

11 (xi) The board of occupational therapy practice as established in
12 chapter 18.59 RCW;

13 (xii) The nursing care quality assurance commission as established
14 in chapter 18.79 RCW governing licenses and registrations issued under
15 that chapter;

16 (xiii) The examining board of psychology and its disciplinary
17 committee as established in chapter 18.83 RCW; and

18 (xiv) The veterinary board of governors as established in chapter
19 18.92 RCW.

20 (3) In addition to the authority to discipline license holders, the
21 disciplining authority has the authority to grant or deny licenses
22 based on the conditions and criteria established in this chapter and
23 the chapters specified in subsection (2) of this section. This chapter
24 also governs any investigation, hearing, or proceeding relating to
25 denial of licensure or issuance of a license conditioned on the
26 applicant's compliance with an order entered pursuant to RCW 18.130.160
27 by the disciplining authority.

28 (4) All disciplining authorities shall adopt procedures to ensure
29 substantially consistent application of this chapter, the Uniform
30 Disciplinary Act, among the disciplining authorities listed in
31 subsection (2) of this section.

32 NEW SECTION. **Sec. 13.** This act takes effect July 1, 2008.

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